

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 1380 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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PATEL FAKIRBHAI JAVERBHAI

Versus

PARMAR RANCHHODBHAI SHIVABHAI

Appearance:

SERVED for Petitioner

MR AD SHAH for Respondent No. 1

Mr.Bukhari, Ld. ADDL.PUBLIC PROSECUTOR for Respondent No. 4

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 07/10/97

ORAL JUDGEMENT

I have been carried through the judgment and the relevant evidence of two witnesses, one complainant Sureshbhai Exh.20 and another eye witness Chandrakant Ranchhodbhai. With regard to the alleged act of trespass punishable under Sections 447, the very fact of possession of the property has not been established and so far as offence under Sec.504 & 506 is concerned in the background of pending civil disputes pertaining to property and looking to the relationship of tenant and landlord, a little event seems to have been exaggerated and therefore, the learned Magistrate, on proper appreciation of the evidence, has chosen to acquit them. The view taken by the learned Magistrate, in his judgment dated 16-4-1984 in Criminal Case no.812 of 1983 of JMFC, Petlad, cannot, therefore, be said to be either erroneous or unwarranted by the material on record.

There is, therefore, no reason for this Court to interfere with the order of acquittal. The appeal is

dismissed.
